

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29416 of 2022**

Arising Out of PS. Case No.-554 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Ram Narayan Verma, Son of Late Jagdish Narayan Verma, R/O- House No.- 87, Road No.-2, P.S.- Kadam Kuan, Mohalla- Rajendra Nagar, Patna -800016
 2. Tushar Verma, Son of Ram Narayan Verma, R/O- House No.-87, Road No.- 2, P.S.- Kadam Kuan, Mohalla- Rajendra Nagar, Patna -800016

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratap Narayan Verma, Son of Late Jagdish Narayan Verma, R/O Village- Shahganj, P.O.- Mau, P.S.- Tekari, District- Gaya. Presently Living At Flat No.-6, Shivam Palace, P.N.Bose Compound, P.S.- Lalpur, District- Ranchi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nishant Kumar, Advocate
For the State	:	Dr.Mrityunjaya Kr.Gautam, APP
For the Opposite party no.2	:	Mr. Dinkar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 20-10-2022

Heard learned counsel for the petitioners and the opposite party no.2 as well as learned APP for the State.

The present petition has been filed by the petitioners for quashing the cognizance order dated 10.08.2017 passed by learned Judicial Magistrate-1st Class, Gaya by which cognizance has been taken against the petitioners under Sections 323, 504, 379 and 467



of the Indian Penal Code in connection with Criminal Complaint Case No. 554 of 2017, on the ground that both the parties have amicably settled their dispute.

The prosecution case in brief is that the complainant/opposite party no. 2 has some ancestral properties such as land, house etc. The petitioner no. 1 is the own elder brother of the opposite party no. 2 and the petitioner no. 2 along with other accused Tuhin Verma (now deceased) are the sons of petitioner no. 1. It is further alleged that the petitioner no. 1 sold out 30 acres and 20 katha lands which was joint family property and a house belonging to the opposite party no. 2 and other family members by committing cheating/forgery and breach of trust. Further case of the opposite party no.2 is that without any family partition and taking advantage of being eldest in the family and being entrusted with the management of the family property, the petitioner no.1 sold the joint family properties. For this, two title suits bearing T.S. Nos 374/2016 and 151/2017 have been filed and are pending before the learned court of Sub-Judge-XII, Gaya. In the background of dispute over ancestral property, the petitioner no.1 assaulted the complainant/opposite party no.2 and the petitioner no.2 threatened the opposite party no.2 to withdraw the title suit and the co-accused Tuhin Verma (Since deceased) took the golden chain and Rs. 20,000/- from the pocket of the



complainant.

Learned counsel for the petitioners submits that both the parties have amicably settled their dispute without any force, coercion or undue influence and executed a compromise deed dated 30.11.2021 and this fact has been mentioned in the quashing petition itself and copy of the said deed has been annexed as Annexure-2.

Learned counsel for the opposite party no. 2 submits that all the disputes have been settled between the parties and the opposite party no.2 does not want to proceed further in the matter. The learned counsel further submits that a counter affidavit has been filed on behalf of the opposite party no.2 admitting the factum of compromise.

The learned APP appearing on behalf of the State has no objection for quashing the cognizance order as the matter has been amicably settled after compromise between the parties.

Perused the records.

In the case of ***Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Another, (2017) 9 SCC 641***, the Supreme Court has held that whether a complaint or First Information Report should be quashed on the ground that the offender and the victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of



the principles can be formulated.

Though the offence under Section 467 of the Indian Penal Code is not compoundable, however, the Supreme Court in the case of *Narinder Singh and others vs State of Punjab and another (2014) 6 Supreme Court Cases 466*, has formulated guidelines for accepting the settlement and quashing of the criminal proceeding in non-compoundable offences relating to commercial transactions or arising out of matrimonial relationship or family dispute should be quashed.

In *B.S. Joshi & Ors. vs. State of Haryana & Anr. [(2003) 4 SCC 675]*, the Supreme Court has held that the inherent powers of the High Court under Section 482 of the Code are wide and unfettered. It upheld the powers of the High Court under Section 482 of the Code to quash the criminal proceedings where the disputes is of private nature and the compromise is entered into between the parties, who are willing to settle their differences amicably. This view was affirmed by the Supreme Court in the case of *Gian Singh Vs. State of Punjab, [(2012) 10 SCC 303]*.

Thus, it is amply clear that the High Court may quash criminal proceedings or FIR or complaint in exercise of its inherent power under Section 482 of the Code which is unaffected by the provisions of Section 320 Cr.P.C. Though The two powers are distinct and different yet the ultimate



consequence may be same viz., acquittal of the accused or dismissal of indictment. Inherent power of the High Court under Section 482 Cr.P.C is seemingly unfettered but it has to be exercised in accordance with the limitation mentioned in the provision itself, i.e. (i) to give effect to any order under the Code of Criminal Procedure, (ii) to prevent abuse of the process of any Court or (iii) to secure the ends of justice.

Having regard to the aforesaid facts and circumstances and also to the fact that the parties have resolved their dispute amicably and the same has been admitted by the opposite party no.2, this Court is of the considered view that allowing the further proceedings to continue in the trial court would not be in the interest of justice as the same may lead to unnecessary harassment, agony and pain not only to the petitioners, but also to the opposite party no.2 and would be an unnecessary burden on the process of the court and would result in abuse of the process of the Court.

Therefore, I find it to be a fit case for exercising of the powers under Section 482 of the Code of Criminal Procedure and hence, the present petition is allowed and the cognizance order dated 10.08.2017 as well as the entire proceeding arising out of Criminal Complaint Case No. 554 of



2017 is hereby quashed qua the petitioners and the petition
stands disposed of.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.10.2022
Transmission Date	23.10.2022

